DIOCESE OF BALLARAT CATHOLIC EDUCATION LIMITED

[PROTECT] DOBCEL Guidelines for Police and DFFH Interview Protocols

Commitment

The Diocese of Ballarat Catholic Education Limited (DOBCEL) Board is committed to:

- zero tolerance of child abuse
- listening to and empowering children and young people
- keeping children and young people safe.

The DOBCEL Board maintains governance oversight of DOBCEL schools. DOBCEL maintains a management arm to ensure that its schools are safe for children and young people so that they can flourish.

The DOBCEL Board has particular responsibilities for the safeguarding of children and young people as required by Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises. This ministerial order places accountability for managing the risk of child abuse with the DOBCEL Board. Consistent with MO No. 1359, the Board requires schools governed by DOBCEL to have appropriate arrangements to regulate the conduct and decisions of school staff for the benefit of their students.

These arrangements include implementing and complying with DOBCEL's child safe policies and having clear and comprehensive procedures and reporting mechanisms. The objective for the DOBCEL Board and the wider school community is to be confident in each school's capacity to make and implement appropriate decisions, with child safety being imperative.

DOBCEL is committed to supporting its schools to take a proactive role in the care, wellbeing and protection of children and young people.

Purpose

These guidelines are designed to assist principals and school leaders to:

- Understand and comply with their legal requirements when a request is made by Victoria Police or the Department of Families, Fairness and Housing (DFFH) Child Protection workers to interview students regarding child protection incidents
- Cope with what are often stressful and delicate situations.

Background

Being a law enforcement unit, Victoria Police has broad powers to investigate, question, search and detain. For the most part, it will conduct interviews of witnesses and suspects at a police station; however, rare urgent circumstances could arise where Victoria Police may wish to interview a student under the age of 18 at a school.

The way in which such an interview will be approached will depend upon whether the student concerned is:

- a victim
- a witness
- a suspect.

Victoria Police will only interview children at their school if it is a matter of urgency or necessity. DFFH Child Protection workers also have wide powers to investigate and obtain information relevant to the protection or safety of a child.

Interviews by DFFH Child Protection workers would normally be carried out in the home with parents/carers present but, as with Victoria Police, there will be occasions when DFFH Child Protection workers will need to interview a child at school as a matter of urgency or necessity.

General Protocols

If legal assistance is required, in the first instance contact DOBCEL's Manager Safeguarding and Standards.

Important: Neither Victoria Police nor DFFH Child Protection is permitted to interview a student at school unless someone is acting as an independent supportive adult for that student.

Principals must:

- ensure there is someone acting as an independent supportive adult for students interviewed at school by Victoria Police or DFFH Child Protection workers
- facilitate interviews requested by Victoria Police or DFFH Child Protection workers
- advise children or young people of their right to have an independent supportive adult, parent or carer present at such an interview (an independent supportive adult may be the principal or a teacher as long as a conflict of interest does not exist. From a practical perspective, this might include a situation where the principal or teacher is related to the perpetrator of the child protection incident, the child is a family member, or the principal or teacher may be the perpetrator)
- arrange for the child to choose an independent supportive adult to be present
- balance their obligation to protect the rights of students with their obligation to assist Victoria Police and DFFH Child Protection in their exercise of duty
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

Contacting parents/carers prior to Victoria Police or DFFH Child Protection interviews

In cases where it is suspected that a child has been or is at risk of being abused, *it is extremely important that parents/carers are notified as soon as practicable.* This enables parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse
- ensure that their child receives the support they require.

Before contacting parents/carers*,* principals must seek advice from Victoria Police or DFFH Child Protection (depending on the agency to which the report was made) to determine if parents/carers should be present at an interview. They will advise whether it is appropriate to contact parents/carers at this stage.

There are some circumstances where contacting parents/carers may place a child at greater risk. Hence the need to seek advice.

Student as victim or witness

When a principal allows a student who may be a victim or a witness to be interviewed, they should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible unless doing so would cause further harm.

If Victoria Police requests an interview with a student who has allegedly been abused by another child, this should occur in the presence of the student's parents/carers or another independent supportive adult who is not a school staff member.

An 'independent adult' is a person aged 18 or over who is not directly connected to the school or to the case being investigated by Victoria Police – for example, a social worker, a doctor or a nurse, a volunteer from the local community (such as a youth leader) or a legal representative.

If the matter is urgent and the school is unable to find an independent adult, or if the school is unsure about who may be an independent adult in a particular context, the school should call DOBCEL's Manager Safeguarding and Standards or the school's education consultant.

Appendix 1 describes how a principal should determine when to grant a request to interview a student who may be a victim or a witness.

Student as a suspect

If a student under 18 years of age is suspected of having committed a crime, Victoria Police cannot question the student unless a parent or carer is present. If a parent or carer is not available and the school's principal is satisfied the matter is urgent, an independent supportive adult must be present.

If Victoria Police asks to speak with a student under the age of 18 who has allegedly abused another child, this should be done in the presence of the student's parents/carers or an independent supportive adult who is not a school staff member.

An independent adult is a person aged 18 or over who is not directly connected to the school or to the case being investigated by Victoria Police. For example, a social worker, a doctor or a nurse, a volunteer from the local community (such as a youth leader) or a legal representative.

A student suspect must be given the chance to talk to their parents/carers or an independent adult in a place where they won't be overheard (section 464E of the *Crimes Act 1958* [Vic])

Victoria Police do not have to wait until the parent, carer or independent adult is present where:

- communication would result in the escape of an accomplice or the destruction of evidence
- the safety of others requires that questioning not be delayed.

A student suspected of perpetrating abuse will be interviewed by Victoria Police at school without a parent or carer present only in very urgent and extreme situations.

When approached by Victoria Police and advised that a student suspect is to be interviewed, a principal must:

- try to advise the parents/carers of the situation immediately
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible
- ensure that an independent supportive adult is present at the interview if the student's parents/carers are unavailable.

In cooperating with a legitimate request from Victoria Police, a principal should always consider:

- the duty of care to the student
- the duty of care to all other students at the school
- the rights of the parents/carers.

Acting in the absence of parents/carers

This table provides guidance on how a principal should act in the absence of parents/carers.

Situation	Action
Parents/carers cannot be present because they: ○ cannot be contacted ○ have not authorised the principal of their child's school, or their delegate, to act as their representative	Allow interview if questioning/investigation is urgently necessary to avert injury or a miscarriage of justice.
Parents/carers do not agree to the interview	Allow interview if a delay to questioning/investigation would be detrimental to others' safety.

Duties of employees as parent/carer representatives

The following table provides guidance on how employees should conduct themselves when acting as a support person for students during interviews.

Time	Required Action
At all times	▪ Support the student. ▪ Ensure the student understands what is happening. ▪ Ensure the student understands their rights.

Before the interview	▪ Be aware that:
	  ○ in more serious cases, appropriate advice may be that there is no compulsion to answer questions and that legal advice should be sought
	  ○ in less serious cases, appropriate advice may be to cooperate fully with the interviewer.
	▪ Inform the student that although it is advisable to do so, they are not legally obliged to provide their name and address to Victoria Police unless:
	  ○ they are driving a motor vehicle
	  ○ Victoria Police has reasonable grounds to believe that the student has or is about to commit an offence, or the student can assist in the investigation of an indictable offence
	  ○ Victoria Police or an officer authorised under the *Transport (Compliance and Miscellaneous) Act 1983* (Vic) has reasonable grounds to believe that the student has committed or is about to commit an offence against the Transport Act or its Regulations, such as travelling on a train without a valid ticket.

During the interview	▪ Focus on supporting the student. ▪ Refrain from providing your own opinions or account of events. ▪ Refrain from asking the student questions about the offence or their guilt, or acting as an authority figure. ▪ Ensure that they will be able to give an accurate account of the interview in any court proceedings, either by taking notes during the interview or making a note immediately afterwards.

Complying with subpoenas or court attendance

A subpoena or witness summons is a court order that compels an individual to either produce documents or attend court and give evidence, or both.

The principal or another school staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the school, the principal or a staff member has information or documents that are relevant to the proceedings.

For advice and support in relation to complying with subpoenas or witness summons, the school can contact DOBCEL's Manager Safeguarding and Standards.

Approving authority	DOBCEL Board
Approval Date	December 2025
Review Date	December 2027

Appendix 1: When to grant a request to interview a student who may be a victim or a witness

Situation	Action to be taken
Request to allow a child or young person to be interviewed at school.	Ensure that the child's parents/carers are present where this is practical and appropriate If a parent/carer cannot be present, an independent supportive adult must be present during the interview
Request to allow a child or young person to be interviewed at school without the parents/carers present.	▪ **Important: Neither Victoria Police nor DFFH Child Protection is permitted to interview a student at school unless someone is acting as an independent supportive adult for that student.** ▪ Allow the interview if there are reasonable grounds for excluding the parents/carers from the interview and the student is supported by an independent adult. **Example:** The interview relates to an allegation of abuse involving parents, carers, siblings or other members of the student's family, or a person with some relationship to the family.
Immediate action is necessary, and parents/carers cannot be contacted or the parents/carers do not agree to a student being interviewed.	▪ **Important: Neither Victoria Police nor DFFH Child Protection is permitted to interview a student at school unless someone is acting as an independent supportive adult for that student.** ▪ Allow the interview, with the principal or suitable delegate representing the parents/carers, so long as a conflict of interest does not exist. ▪ If a conflict exists, an independent supportive adult must be present. This may be a senior staff member at the school.
Immediate action is not required.	Allow the interview only when a parent/carer or their nominee is present, or the parents/carers authorise the principal to act as their representative.
A number of students need to be interviewed in order to identify potential witnesses.	Allow the interview only: ○ to identify witnesses for further interviews ○ to take place with a parent/carer or suitable delegate authorised by the parents/carers (such as the principal) to act as their representative.